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7
8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 SHAYNA PEARSON, an individual,
10
11 Plaintiff,

12 vs.

13 ROCK GATE CAPITAL, LLC dba 160
14 DRIVING ACADEMY, an Illinois Limited
15 Liability Company; and DOES 1-50,
16 inclusive; and ROE CORPORATIONS 1-
50, inclusive,
Defendant.

CASE NO.: 2:24-cv-00133-CDS-MDC

**(PROPOSED) STIPULATION AND
ORDER TO EXTEND DISCOVERY**

(FIRST REQUEST)

17 The parties, Plaintiff SHAYNA PEARSON (“Plaintiff”), and Defendant ROCK GATE
18 CAPITAL, LLC dba 160 DRIVING ACADEMY (“Defendant”), by and through their
19 respective attorneys of record, hereby submit this request to continue discovery given the Early
20 Neutral Evaluation (“ENE”) has been continued to September 6, 2024:

21 **I. THE JULY 1, 2024, ENE WAS CONTINUED TO SEPTEMBER 6, 2024, TO**
22 **ALLOW THE PARTIES TO CONDUCT LIMITED DISCOVERY**

23 1. On April 5, 2024, the parties submitted their (Proposed) Stipulated Discovery
24 Plan and Scheduling Order (“Proposed Scheduling Order”) in compliance with LR 26-1(b).
25 [ECF 20].

26 2. At the time the Proposed Scheduling Order was submitted, an ENE was
27 scheduled for June 11, 2024 [ECF 19].

28 3. On April 9, 2024, this Court approved the Proposed Scheduling Order. [ECF

21].

4. On May 16, 2024, the ENE was re-scheduled for July 1, 2024. [ECF 23].

5. On July 1, 2024, the parties participated in an ENE with Judge Youchah. The Court continued the ENE to September 6, 2024, to allow the parties “to conduct limited and targeted discovery, [which] will likely dramatically increase the probability of resolution.” [ECF 26].

6. The parties submit this proposed stipulated discovery plan and scheduling order pursuant to the Court’s Minute Order continuing the ENE to September 6, 2024. [ECF 26].

II. PROPOSED DISCOVERY SCHEDULE

1. Discovery Cut-Off: The parties seek to extend the close of discovery currently set for December 9, 2024, to **March 10, 2025**, by approximately ninety (90) days.

2. Amending the Pleadings and Adding Parties: The parties seek to extend the date for filing motions to amend the pleadings or to add parties currently set for September 10, 2024, to **December 9, 2024**.

3. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): The parties seek to extend the due date for initial expert disclosures currently set for October 10, 2024, to **January 8, 2025**, and to extend the due date for rebuttal expert disclosures to **February 7, 2025**.

4. Dispositive Motions: The parties seek to extend the due date for dispositive motions currently set for January 8, 2025, to **April 9, 2025**.

5. Pre-Trial Order: The parties agree that if no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than **May 9, 2025**. If dispositive motions are filed, the deadline for filing the Joint Pretrial Order will be suspended until thirty (30) days after decision on the dispositive motions or further court order.

III. REASONS FOR REQUESTED EXTENSION

1. Good cause exists to extend the remaining discovery deadlines given the ENE was continued to September 6, 2024.

1 2. While the parties have conducted limited settlement discussions to date, they
2 believe that the neutral evaluator's assistance at the ENE will greatly increase the likelihood of
3 settlement. Pursuant to Judge Youchah's recommendation, the Parties have agreed to engage in
4 limited discovery designed to increase the likelihood of resolution at the continued ENE.

5 3. Although the parties have engaged in limited discovery, the parties will need
6 additional time to finish discovery in event that the matter does not resolve at the continued
7 ENE. Should the matter not resolve at the ENE, the parties will need to conduct additional
8 discovery, including, but not limited to, the further exchange of written discovery, additional
9 depositions, and expert discovery, including disclosures. As such, the current discovery
10 schedule is not feasible.

11 4. For these three reasons, the parties respectfully submit that good cause exists to
12 extend discovery in this matter to complete the necessary remaining discovery in the event the
13 case does not resolve at the continued ENE.

14 **IV. DISCOVERY COMPLETED**

15 The parties exchanged their FRCP 26.1 Initial Disclosure of Documents and Witness
16 Lists.

17 **V. ANTICIPATED DISCOVERY**

18 Pursuant to Judge Youchah's recommendation, the Parties have agreed to conduct the
19 following limited discovery ahead of the continued ENE set for September 6, 2024:

- 20 1. The Parties agree to produce all relevant documents, including documents identified in
21 the Initial Disclosures, by **July 15, 2024**.
- 22 2. The Parties will serve no more than 10 interrogatories on the other party by **July 15,**
23 **2024**. The Parties agree that responses to the interrogatories are due by **August 5, 2024**.
- 24 3. The Parties have agreed to depose the following persons:
 - 25 a. Plaintiff; and
 - 26 b. Deneta Thomas.

27 Should this matter not resolve at the ENE, the Parties anticipate completing the
28 following discovery:

- 1 1. Additional written discovery as needed.
- 2 2. The parties anticipate setting depositions of the following individuals:
 - 3 a. Defendant's Designated FRCP 30(b)(6) Representative(s); and
 - 4 b. Other percipient witnesses as needed.
- 5 3. Expert disclosures and discovery as needed.

6 This is the parties' first request to extend discovery. This request is made in good faith
7 and is not made for the purpose of delay.

8 Dated: July 10, 2024.

9 **HKM EMPLOYMENT ATTORNEYS, LLP SKLAR WILLIAMS PLLC**

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26 **ORDER**

27 **IT IS SO ORDERED:**

28 **UNITED STATES MAGISTRATE JUDGE**
CASE NO.: 2:24-cv-00133-CDS-MDC

DATED: 7-12-24